

DOCKET FILE COPY ORIGINAL

December 11, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M. Street, N.W.
Room 222 - Stop Code 1170
Washington, D.C. 20554

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JAN 16 1997

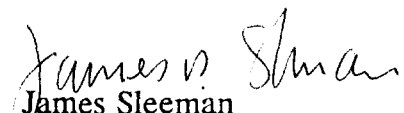
Re: Proposed Amendment of FM
Table of Allotments

Dear Mr. Caton:

Transmitted herewith, on behalf of James D. Sleeman are an original and four copies of a Petition for Rule making.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with the undersigned.

Very truly yours,


James Sleeman
125 Chester Avenue
Annapolis, Maryland 21403

No. of Copies rec'd 0 + 4
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

JAN 16 1997

In the Matter of)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No.
FM Broadcast Stations)	RM -
Snow Hill, Maryland)	

To: The Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

James Sleeman, is a U.S citizen with no Broadcasting Interest or Holdings.

Hereby petition the commission to institute a rulemaking proceeding to amend the table of FM allotments 73.202 (b), pursuant to section 1.420 (1) of the commission's rules. The petitioner seek to amend the FM table of allotments in the above captioned communities to permit the following. To establish channel 266A at Snow Hill Maryland as that communities's First FM service. The proposed change in the rules is summarized as follows:

City

Channel Number

Snow Hill, Maryland

Present

Proposed
266A

This proposed allotment, channel 266A at Snow Hill, Maryland is in full compliance with the commission's spacing requirements.

(1) The proposed new community of license Snow Hill, Maryland is situated on the Maryland Eastern Shore and is part of Worcester County, Maryland. Snow Hill is the county's seat. Section 307 (b) of the Communications Act of 1935, as amended, requires that the Commission fairly, equitably, and efficiently distribute frequencies...among the several states and "communities." The commission has defined "communities" as geographically identifiable population groupings. Generally, if a community is incorporated or is listed in the U.S. Census, that is sufficient to satisfy its status. Snow Hill, Maryland is incorporated and is listed in the U.S. Census. Snow Hill, Maryland has its own post office and zip code. No new showing of community status should be required. Snow Hill, Maryland has been determined to be a "community" within the meaning of the rules.

(2) Petitioner will work with the City of Snow Hill and Worcester County governmental agencies, Churches clubs and civic organizations. The Petitioner will meet and exceed its obligation of providing public affairs and public service programs.

(3) Should the commission implement the proposed rule making. The petitioner will file an application of F.C.C. Form 301.

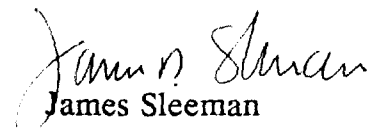
(4) The attached engineering statement, shown as Exhibit 1, is based on a spacing study, performed by Data World Inc. of Bethesda, MD 20814. This study was done on both the Data World and F.C.C. Data Base as of November 8, 1996. The study shows the proposed allocation. This proposed allocation will require a site restriction 10 KM to the south east of Snow Hill, MD.

(5) With regards to section 1.52 of the commissions rules the petitioner has enclosed an affidavit.

CONCLUSION

It is respectfully requested that the commission amend the FM Table of Allotments as requested. The petitioner feels this change would be in the public interest.

Respectfully Submitted,


James Sleeman
125 Chester Avenue
Annapolis, MD. 21403

December 10, 1996

AFFIDAVIT

I, James D. Sleeman of 125 Chester Avenue, Annapolis, Maryland 21403 state the following:

1. I certify that, to the best of my knowledge and belief, all of the statements are true, correct, complete, and made in good faith.

James D. Sleeman
James D. Sleeman

Subscribed and sworn to before me this 12 day of Jan 1996

James M. Steele
Notary Public

NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires: January 1, 2001

EXHIBIT I

ENGINEERING STATEMENT

This Engineering Statement in support of a Petition For Rule Making to amend the Table of FM Assignments, Section 73.202(b), to allocate Channel 266A Snow Hill, Maryland. It is proposed to amend the Table of FM Assignments as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Snow Hill, MD		266A

A channel study was made to determine whether an Allotment could be made on the proposed channel which would comply with the Commission's minimum separation requirements of Section 73.207 of the Rules and Regulations. This study showed that Channel 266A would meet these separation requirements. The reference coordinates relied upon are as follows:

North Latitude: 38°	07'	30
West Longitude: 75°	22'	30

Table 1 is a list of existing stations, applications, allocations and proposed Rulemakings of co-channel and adjacent channel assignments pertinent to allocating Channel 266A to Snow Hill, Maryland. The tabulation of distances shown in this Table were calculated by the methods prescribed in Section 73.208 of the Commission's Rules and Regulations, using the above reference point.

Figure 1 is a map showing the reference site and depicting the area where a station operating on Channel 266A could be located and meet all the separation requirements. Within this area of transmitter site can be chosen to provide principal community service field strength of 3.16 mV/m (70dBu) over the entire city of Snow Hill Maryland.

A Class A facility may operate with maximum facilities of 6 KW ERP and antenna HAAT of 100 meters. With these facilities, the predicted distance to the 70 dBu (principal community) contour will extend to a distance of 16 kilometers. Section 73.315(a) of the FCC Rules And Regulations requires that the 70 dBu contour must encompass the boundaries of the principal community to be served. As shown in Figure 1, operation from the reference site with 6kW ERP and 100 meters HAAT. the proposed operation will provide the requisite coverage to Snow Hill, Maryland in accordance with the provisions of Section 73.315(a) of the FCC Rules And Regulations.

The results of these studies show that Channel 266A Can be assigned to Snow Hill, Maryland consistent with the requirements of the Commission's Rules and Regulations.

The commission on 10-28-92 approved Snow Hill, Maryland as a suitable city of license. (docket #92-230).

The petitioner is aware that the proposed transmitter site for channel 266A at Snow Hill, Maryland needs to be 2.12km to the south of the reference point.

JIM SLEEMAN
ANNAPOLIS, MD

Page 0
November 8, 1996

FM Spacing Study

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Job title: SNOW HILL, MD
Channel 266A
FM Translators excluded.
Coordinates: 38-07-30 75-22-30
Safety zone: 30 km (18 miles).

FM Spacing study

Title: SNOW HILL, MD
Channel 266A (101.1 MHz)
Database: DW 11/07/96

Latitude: 38-07-30
Longitude: 75-22-30
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WDIH	LIC	SALISBURY ED BROADCASTIN	*212A	.38	38-24-28	327.6	37.26	10
SALISBURY	MD	BLD-900717KC	90.3	55	75-36-16	147.4	27.26	CLEAR
Call Granted 08/10/87								
WKHS	LIC	BOARD OF EDUC OF KENT CO	*213B1	17.5	39-16-55	334.5	142.7	12
WORTON	MD		90.5	66	76-05-26	154.0	130.7	CLEAR
WAAI	CP	APEX ASSOCIATES, INC.	263A	6	38-34-43	319.4	66.55	31
HURLOCK	MD	BPH-941114IF	100.5	100	75-52-22	139.1	35.55	CLEAR
CP Granted 03/13/95 per FCC release #22115 dated 03/21/95; CP Granted 03/13/95 per FCC release #22115 dated 03/21/95; FROM CHANNEL 265A								
WZXL	LIC	VINRAH OF NEW JERSEY INC	264B	38	39-07-28	25.3	123.0	69
WILDWOOD	NJ	BLH-870602KA	100.7	101	74-45-56	205.7	53.98	CLEAR
WAAI	LIC	APEX ASSOCIATES, INC.	265A	1.30	38-37-28	321.3	71.34	72
HURLOCK	MD	BLH-890607KB	100.9	153	75-53-20	140.9	-.66	SHORT
TO CHANNEL 263A								
WWDC-FM	LIC	CAPITOL BROADCASTING COM	266B	22.5	38-59-59	304.1	175.9	178
WASHINGTON	DC	BLH-850904KT	101.1	232	77-03-27	123.1	-2.12	SHORT
BRH-950518YB(23525-6/9/95)								
WXPZ	LIC	SAMPSON COMMUNICATIONS,	267A	3	38-51-21	353.4	81.68	72
MILFORD	DE	BLH-901119KH	101.3	100	75-29-02	173.3	9.680	CLOSE
Call Granted 03/07/90 per FCC release #129 dated 03/09/90; Ant: Harris FML-3E								
WBQB	LIC	MID ATLANTIC NETWORK, IN	268B	50DA	38-19-57	278.1	178.3	69
FREDERICKSBURG	VA	BLH-910701KC	101.5	150	77-23-41	96.8	109.3	CLEAR
Was WFVA-FM 08/04/89; DA: Shiveley 6810-4R-DA @ 0 deg								
WRKE	LIC	Q-TONE BROADCASTING CORP	269A	3	38-29-20	20.6	43.19	31
OCEAN VIEW	DE	BLH-860122KC	101.7	91	75-12-01	200.7	12.19	CLOSE
Was WOVU 11/01/89								
WRKE	CP	Q-TONE BROADCASTING CORP	269A	6DA	38-29-20	20.6	43.19	31
OCEAN VIEW	DE	BPH-900709IA	101.7	153	75-12-01	200.7	12.19	CLOSE
CP Granted 10/22/90 per FCC release #20979 dated 10/31/90; CP Granted 10/22/90 per FCC release #20979 dated 10/31/90; Was WOVU 11/01/89								

>> End of channel 266A study <<

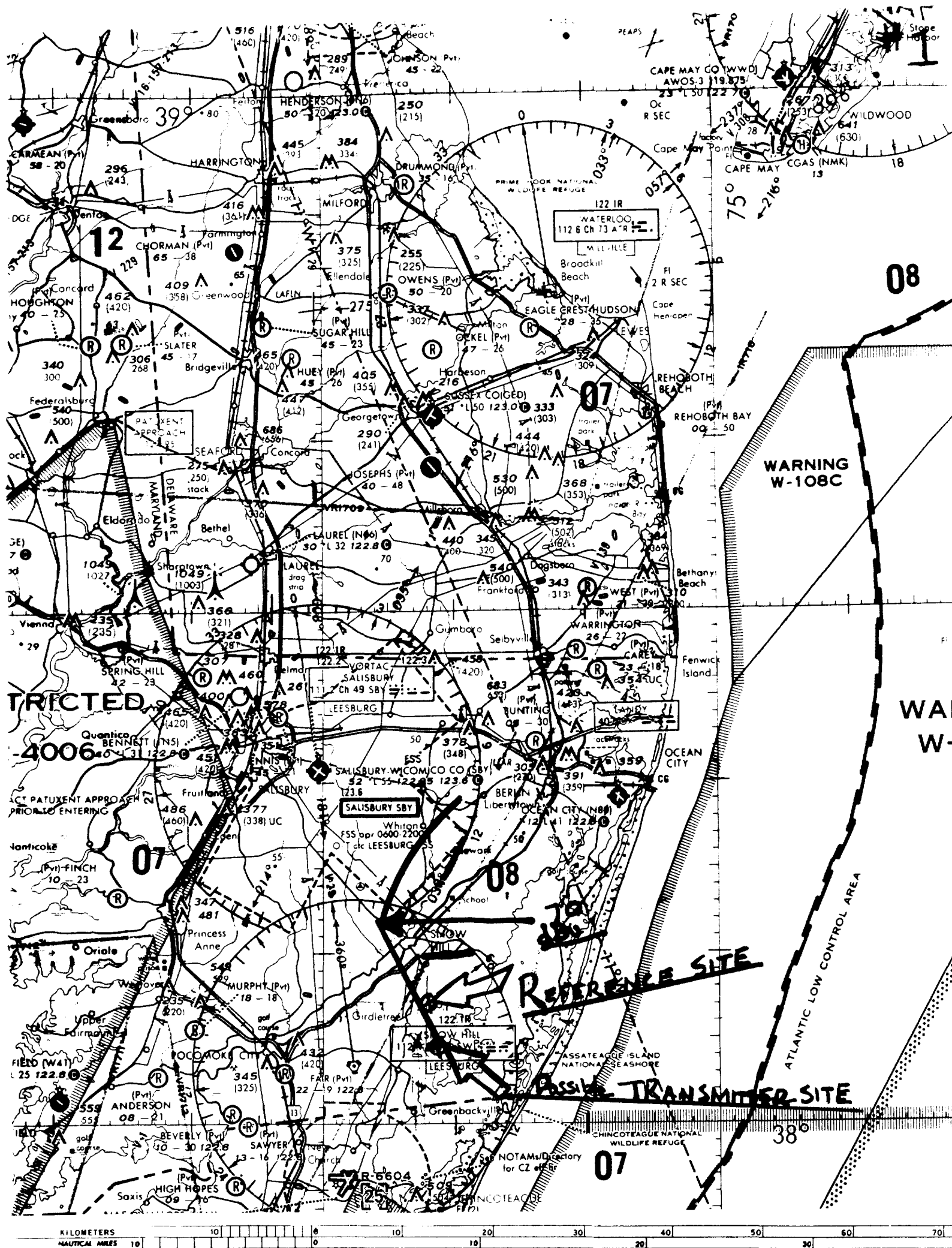
FM Spacing study

Title: SNOW HILL, MD
Channel 266A (101.1 MHz)
Database: FCC 10/31/96

Latitude: 38-07-30
Longitude: 75-22-30
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License		St FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WDIH	LIC	Salisbury Educational Br	*212A	.38	38-24-28	327.6	37.26	10
Salisbury		MD	90.3	55	75-36-16	147.4	27.26	CLEAR
WKHS	LIC	Board of Educ. of Kent C	*213B1	17.5	39-16-55	334.5	142.7	12
Worton		MD	90.5	66	76-05-26	154.0	130.7	CLEAR
WAAI	CP	Apex Associates, Inc.	263A	6	38-34-43	319.4	66.55	31
Hurlock		MD BPH-941114IF	100.5	100	75-52-22	139.1	35.55	CLEAR
WZXL	LIC	Bear Broadcasting Compan	264B	38	39-07-28	25.3	123.0	69
Wildwood		NJ BLH-870602KA	100.7	101	74-45-56	205.7	53.98	CLEAR
WAAI	LIC	Apex Associates, Inc.	265A	1.30	38-37-28	321.3	71.34	72
Hurlock		MD BLH-890607KB	100.9	153	75-53-20	140.9	-.66	SHORT
ALLOC			266B		38-59-59	304.1	175.9	178
Washington		DC	101.1		77-03-27	123.1	-2.12	SHORT
WWDC-FM	LIC	Capitol Broadcasting Com	266B	22.5	38-59-59	304.1	175.9	178
Washington		DC BLH-850904KT	101.1	232	77-03-27	123.1	-2.12	SHORT
WXPZ	LIC	Samson Communications, I	267A	3	38-51-21	353.4	81.68	72
Milford		DE BLH-901119KH	101.3	100	75-29-02	173.3	9.680	CLOSE
ALLOC			267A		38-51-32	353.1	82.07	72
Milford		DE DOC-84-231	101.3		75-29-21	173.0	10.07	CLOSE
Filing window 04/07-05/15/87 **CLOSED**								
WBQB	LIC	Fredericksburg Broadcast	268B	50DA	38-19-57	278.1	178.3	69
Fredericksburg		VA BLH-910701KC	101.5	150	77-23-41	96.8	109.3	CLEAR
DA: oddball ODD890626IF @ 0 deg								
ALLOC			269A		38-29-20	20.6	43.19	31
Ocean View		DE	101.7		75-12-01	200.7	12.19	CLOSE
WRKE	LIC	Q-Tone Broadcasting Corp	269A	3	38-29-20	20.6	43.19	31
Ocean View		DE BLH-860122KC	101.7	91	75-12-01	200.7	12.19	CLOSE

>> End of channel 266A study <<



MAP #2



76° This map shows possible TRANSMITTER